

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAL KONOPKA and DRAGAN BOSOTINA, and on behalf :
of themselves and all others similarly situated, PLUMBERS : **No.: 25 Civ. 811**
UNION LOCAL NO. 1 OF THE UNITED ASSOCIATION OF : **(RER)(CLP)**
JOURNEYMEN AND APPRENTICES OF THE PLUMBING :
AND FITTING INDUSTRY OF THE UNITED STATES AND : **DECLARATION OF**
CANADA, TRUSTEES OF THE PLUMBERS LOCAL UNION : **GARRETT KASKE IN**
NO. 1 WELFARE FUND, TRADE EDUCATION FUND, and : **SUPPORT OF**
401(k) SAVINGS PLAN, TRUSTEES OF THE UNITED : **PLAINTIFFS’**
ASSOCIATION NATIONAL PENSION FUND, and : **REQUEST FOR A**
TRUSTEES OF THE INTERNATIONAL TRAINING FUND, : **CERTIFICATE OF**
: **DEFAULT**
:
Plaintiffs, :
:
- against - :
:
:
PACE PLUMBING CORP., PACE PLUMBING DELAWARE :
CORP., THE PACE COMPANIES NEW YORK, LLC, PACE :
FIELD SERVICES, LLC d/b/a PACE MECHANICAL, and :
EAGLESTONE, LLC d/b/a EAGLESTONE NY, LLC, and :
ATERIAN INVESTMENT MANAGEMENT, LP d/b/a :
ATERIAN INVESTMENT PARTNERS, :
:
Defendants. :
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I, GARRETT KASKE, hereby declare as follows:

1. I am a partner at the law firm of Kessler Matura, P.C., co-counsel for Plaintiffs, and fully familiar with the facts and circumstances of this matter. I make this declaration pursuant to Rule 55.1 of the Civil Rules for the Eastern District of New York, in support of Plaintiffs’ application for the entry of a default judgment against Pace Plumbing Corp., Pace Plumbing Delaware Corp., The Pace Companies New York, LLC, Pace Field Services LLC d/b/a Pace Mechanical, and Eaglestone LLC d/b/a Eaglestone NY, LLC (collectively, “Defendants”).

2. This action was commenced pursuant to the Worker Adjustment and Retraining Notification Act (“WARN Act”), 29 U.S.C. § 2101, *et seq.*, and New York Worker Adjustment and Retraining Notification Act (“NY WARN Act”), N.Y. Lab. Law § 860, *et seq.*. This Court has

subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 2104, and the doctrine of supplemental jurisdiction under 28 U.S.C. § 1367.

3. Plaintiffs filed the First Amended Class and Collective Action Complaint (ECF No. 8) (the “Complaint”) on March 12, 2025. Plaintiffs received the issued Summons the same day (ECF No. 10).

4. The time for the Defendants to answer or otherwise move with respect to the operative complaint has expired, as follows:

Defendant	Date and Time Served	Method of Service	Answer Due Date	Docket Entry No.
Pace Plumbing Corp.	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to Section 306 of the New York State Business Corporation Law (“BCL 306”).	04/17/2025	18
Pace Plumbing Delaware Corp.	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to BCL 306.	04/17/2025	19
The Pace Companies New York, LLC	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to Section 304 of the New York Limited Liability Company Law (“LLCL 304”).	04/17/2025	20
Pace Field Services LLC	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to LLCL 304.	04/17/2025	17
Eaglestone LLC	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to Section 303 of the New York Limited Liability Company Law.	04/17/2025	16

5. Plaintiffs filed the above-referenced affidavits of service on March 31, 2025 (ECF Nos. 15-20), stating the time, date, and method of service.

6. As a result, Defendants' time to answer or otherwise move with respect to the Complaint was set as listed in paragraph 4 above.

7. Defendants have not answered or otherwise moved with respect to the Complaint, and the time for the Defaulting Defendants to answer or otherwise move has not been extended.

8. Defendants are not infants or incompetents. Defendants are not presently in the military service of the United States as appears from the facts in this litigation. Defendants consist of three corporations, two limited liability companies, and a limited partnership.

9. Defendants are indebted to Plaintiffs and the Class (as defined in paragraph 3 of the Complaint) in the following manner:

- a. On February 6, 2025, Defendants terminated all of the employees of Pace Plumbing Corp., Pace Plumbing Delaware Corp., The Pace Companies New York, LLC, and Pace Field Services LLC – exceeding 300 individuals, including Plaintiffs Konopka and Bosotina, without sufficient written notice as required by the WARN Act and NY WARN Act (collectively, "WARN Acts").
- b. As a result, Plaintiffs and the putative Class seek damages equal to the sum of: their unpaid wages, salary, commissions, bonuses, accrued holiday pay, accrued vacation pay, benefit contributions, pension, and 401(k) contributions, COBRA, and other employee benefits, for statutorily-required period of time, that would have been covered and paid under the then-applicable employee benefit plans had that coverage continued for that period, all determined in accordance with the WARN Acts, and attorneys' fees and costs.

10. On April 25, 2025, I caused a copy of this Declaration, together with Plaintiffs' Request for a Certificate of Default and proposed Certificate of Default, to be served on Defendants

via U.S. Mail, first class, postage prepaid, at their last known addresses, pursuant to Local Rule 55.1(a)(4), which are listed here:

Defendant & Address
Pace Plumbing Corp. 41 Box Street Brooklyn, New York 11222
Pace Plumbing Delaware Corp. 41 Box Street Brooklyn, New York 11222
The Pace Companies New York, LLC 41 Box Street Brooklyn, New York 11222
Pace Field Services LLC 41 Box Street Brooklyn, New York 11222
Eaglestone LLC 551 5 th Avenue, 9 th Floor New York, NY 10176

WHEREFORE, Plaintiffs request that the default of Defendants Pace Plumbing Corp., Pace Plumbing Delaware Corp., The Pace Companies New York, LLC, Pace Field Services LLC d/b/a Pace Mechanical, and Eaglestone LLC d/b/a Eaglestone NY, LLC, be noted and a certificate of default issued.

[INTENTIONALLY LEFT BLANK – SIGNATURE ON FOLLOWING PAGE]

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: Melville, New York
April 25, 2025

Respectfully submitted,



Garrett Kaske

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**pro hac vice application forthcoming*

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***Attorneys for Plaintiff Trustees of the Plumbers
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